

Jan-07-2004 04:29pm From-

PATENT PFIZER ANN ARBOR MI

7346222928

T-685 P.001 F-389

Customer No. 28880

PTO/SB/21 (03-03)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

6

Application Number

10/072,492

Filing Date

February 5, 2002

First Named Inventor

Lorraine E. Penna

Art Unit

1615

Examiner Name

BENNETT, RACHEL M.

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ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input checked="" type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

AUTHORIZATION TO CHARGE THE FEE AND ANY ADDITIONAL FEES AS NECESSARY OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT 23-0455 IS HEREBY GIVEN.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Karen B. King Reg. No. 41,898
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Signature	
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Date	January 7, 2004
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CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date January 7, 2004.

Typed or printed	Connie L. Park
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Signature	
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Date	January 7, 2004
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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USPTO Fax No. (703) 972-9306

8

6193/1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED
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JAN 07 2004

APPLICANT:	Pharmacia Corporation) DOCKET NO.:	6193/1
SERIAL NO.:	10/072,492) GROUP ART UNIT:	1615
FILED:	February 5, 2002) EXAMINER:	Rachel Bennett
TITLE: COMPOSITION AND METHOD FOR RECTAL DELIVERY OF A LINCOSAMIDE ANTIBACTERIAL DRUG			

OFFICIAL

CERTIFICATE OF TRANSMISSION

I, Connie Park, hereby certify that this correspondence and any accompanying documents recited herein, below, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on January 7, 2003.

Signed: Connie Park

Commissioner for Patents
P.O. Box 1450
U.S. Patent and Trademark Office
Alexandria, VA 22313-1450

Dear Sir:

RESPONSE UNDER 37 C.F.R. §1.111

Applicants respectfully submit a Terminal Disclaimer To Obviate a Double-Patenting Rejection Over a Prior Patent (Form PTO/SB/26) and terminal disclaimer fee, required under 37 C.F.R. §1.20(c), in response to an Office Action, mailed October 14, 2003. In the Office Action, all the claims pending in the present case (i.e., claims 1-36) were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,495,157 B1. This was the only ground of rejection of any claims of the present application set forth in the Office Action.

Applicants respectfully overcome the obviousness-type double patenting rejection by submitting the Terminal Disclaimer and fee, transmitted herewith. As acknowledged in the terminal disclaimer, U.S. Patent No. 6,495,157 B1 and the present application are commonly owned. Applicants submit that the Terminal Disclaimer conforms with the requirements of 37 C.F.R. 1.321 for use in overcoming such a rejection.

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6193/1

For reasons given above, Applicants respectfully submit that all of claims 1-36 of the present case are in condition for allowance. Issuance of all the claims is, therefore, requested.

Please direct all future correspondence regarding this patent application to the new correspondence address set forth below, and in a change of correspondence address request form, transmitted herewith.

Respectfully submitted,



Karen B. King
Attorney for Applicants
Registration No. 41,898
Tel. (734) 622-8437

Address correspondence to:
Warner-Lambert Company LLC
Patent Department
2800 Plymouth Rd.
Ann Arbor, MI 48105

Accompanying Documents:
Terminal Disclaimer (1 page)
Fee transmittal sheet (1 page)
Change of Correspondence Address (1 page)

Customer No. 28880

PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032
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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 110.00)

Complete if Known

Application Number	10/072,492
Filing Date	February 5, 2002
First Named Inventor	Lorraine E. Pena
Examiner Name	BENNETT, RACHEL M.
Art Unit	1615
Attorney Docket No.	6193/1

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number
19-1025
Deposit Account Name
PHARMACIA CORPORATION

The Commissioner is authorized to: (check all that apply)
 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$ 0.00)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims below	Fee from	Fee Paid
Independent:	-20** = 0	X \$18.00	= \$0.00
Claims	-3** = 0	X \$36.00	= \$0.00
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	" Reissue independent claims over original patent
1205 18	2205 8	" Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ 0.00)		

*or number previously paid, if greater. For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.128(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) 1814/2814 Terminal Disclaimer			110.00
*Reduced by Basic Filing Fee Paid			SUBTOTAL (3) (\$ 110.00)

(Complete if applicable)

Name (Print/Type)	Karen B. King	Registration No.	41,898	Telephone 734-622-4837
Signature			Date	January 7, 2004

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.